

FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PILLSBURY  
WINTHROP  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED **FAULT DIAGNOSIS IN CPAP AND NIPPV DEVICES**

the specification of which (CHECK applicable BOX(ES))

X A. ☐ is attached hereto.

BOX(ES) → B. ☒ was filed on December 15, 2000

as U.S. Application No. 09/719,680

→ C. ☒ was filed as PCT International Application No. PCT/ AL 99/00972 on November 5, 1999

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

**PRIOR FOREIGN APPLICATION(S)**

| Number | Country   | Date first filed - open or Published | Date Patented or Granted | Priority NOT Claimed |
|--------|-----------|--------------------------------------|--------------------------|----------------------|
| PP6933 | Australia | 5/November/1988                      |                          |                      |

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 366(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT International filing date of this application:

**PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)**

| Application No. (series code/serial no.) | Date first filed - open or Published | Status                       | Priority NOT Claimed |
|------------------------------------------|--------------------------------------|------------------------------|----------------------|
| PCT/AU99/00972                           | 5/November/1999                      | pending, abandoned, patented |                      |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

| Name               | First | Middle Initial     | Last  | First                | Middle Initial | Last              |       |
|--------------------|-------|--------------------|-------|----------------------|----------------|-------------------|-------|
| Paul N. Kokulis    | 16773 | Kendrew H. Colton  | 30368 | Roger R. Wise        | 31204          | Anthony L. Miele  | 34393 |
| G. Lloyd Knight    | 17698 | G. Paul Edgell     | 24238 | Michael R. Dzwiczyk  | 36787          | Robert J. Walters | 40862 |
| Kevin E. Joyce     | 20508 | Lynn E. Eccleston  | 33851 | W. Patrick Bengtsson | 32456          | Brian J. Boatus   | 38825 |
| George M. Sinila   | 18221 | Timothy J. Klima   | 34852 | Jack S. Barufka      | 37087          |                   |       |
| Donald J. Bird     | 25323 | David A. Jakopin   | 32995 | Adam R. Hess         | 41836          |                   |       |
| Jale S. Lazar      | 28872 | Mark G. Paulson    | 30793 | William P. Atkins    | 38821          |                   |       |
| Paul E. White, Jr. | 32011 | Stephen C. Glazier | 31351 | Paul L. Sharer       | 36004          |                   |       |
| Glenn J. Perry     | 28458 | Richard A. Zalden  | 27248 | Robin L. Teskin      | 35030          |                   |       |

(1) INVENTOR'S SIGNATURE: Gregory

Date: 27. Feb. 2001

| First               | Middle Initial                                                 | Family Name            |
|---------------------|----------------------------------------------------------------|------------------------|
| Gregory             | A.                                                             | COLLA                  |
| Residence           | North Sydney                                                   | Australia              |
| City                | State/Foreign Country                                          | Country of Citizenship |
| Post Office Address | 2A Doris Street, North Sydney, New South Wales 2060, Australia |                        |
| (include Zip Code)  |                                                                |                        |

(2) INVENTOR'S SIGNATURE: Barton

Date: 5th MARCH 2001

| First               | Middle Initial                                                     | Family Name               |
|---------------------|--------------------------------------------------------------------|---------------------------|
| Barton              | J.                                                                 | KENYON                    |
| Residence           | Eckington, Worcester, WAIRONGA, AUSTRALIA                          | United Kingdom, AUSTRALIA |
| City                | State/Foreign Country                                              | Country of Citizenship    |
| Post Office Address | FUSCARE, TENNESSEE ROAD, ECKINGTON, WORCESTER, WAIRONGA, AUSTRALIA |                           |
| (include Zip Code)  | 3 BILLARD AVE, WAIRONGA, NSW 2076                                  |                           |

FOR ADDITIONAL INVENTORS, "X" box ☐ and proceed on the attached page to list each additional inventor.

] See additional foreign priorities on attached page (incorporated herein by reference).

Att. Dkt. No. P275904

(M#)

PAT-118 500

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

COLLA et al.

Atty. Ref.: 4398-216

Serial No. 10/408,568

Group: 3761

Filed: April 8, 2003

Examiner: Not Yet Assigned

For: FAULT DIAGNOSIS IN CPAP AND NIPPV DEVICES

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Filed 8/20/03

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

ResMed Limited, being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

ResMed Limited also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

**Certificate Under 37 C.F.R. §3.73(b)**

ResMed Limited, a corporation having a place of business at 97 Waterloo Road, North Ryde, New South Wales 2113, Australia states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of ResMed Limited.

ResMed Limited

|                              |                        |
|------------------------------|------------------------|
| <u>8 August 2003</u><br>Date | By: <u>Paul Green</u>  |
|                              | Name: Paul A. Green    |
|                              | Title: Patents Officer |

Attachment: Copy of Assignment

Please return signed/recorded to

Pillsbury Madison & Sutro LLP  
Intellectual Property Group  
1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918

BEST AVAILABLE COPY

USA Patent Appln.  
Sole or Joint

For inventions made outside USA  
executed with or after application  
Atty. Dkt. PMS 275904 P40US1

COPY

NONPROVISIONAL

ASSIGNMENT

NONPROVISIONAL

OF NONPROVISIONAL APPLICATION

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to each of the undersigned, to wit:

INSERT

NAME(S) OF  
INVENTOR(S)

(1) Gregory Alan COLLA

(3)

(5)

(2) Barton John KENYON

(4)

☐ x box if continued on page 2

the receipt and sufficiency of which are hereby acknowledged by the undersigned who at the request of, hereby sell(s), assign(s) and transfer(s) unto:

INSERT

NAME(S) OF  
ASSIGNEE(S)  
& ADDRESS(ES)

ResMed Limited

97 Waterloo Road

North Ryde,

New South Wales 2113

AUSTRALIA

(hereinafter designated "ASSIGNEE") the entire right, title and interest for the United States of America as defined in 35 U.S.C. 100, in the invention and all applications including any and all divisions, continuations, substitutes, and reissues thereof; and all resulting patents, known as:

TITLE OF  
INVENTION

FAULT DIAGNOSIS IN CPAP AND NIPPY DEVICES

for which the undersigned executed an application for Letters Patents of the United States of America:

NOTE → →

(Complete

line A, B and/or C)

(A) ☒ even date herewith

(B) ☐ on

(C) ☒ in U.S. Appln. No. 09/719,580

filed December 15, 2000

AND the undersigned hereby authorize(s) and request(s) the United States Commissioner of Patents and Trademarks to issue said Letters Patent to the said ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives; the undersigned agree(s) that the attorney of record in said application shall hereinafter act on behalf of said ASSIGNEE;

AND the undersigned hereby agree(s) to execute any papers for ASSIGNEE, its successors, assigns and legal representatives, deemed essential by ASSIGNEE to ASSIGNEE'S full protection and title in and to the invention hereby transferred;

NOTE → → The undersigned hereby authorize(s) Pillsbury Madison & Sutro LLP of the above address to insert hereon any further identification necessary or desirable for recording of this document.

INVENTORS

1):

Name:

Gregory Alan COLLA

2)

Name:

Barton John KENYON

3)

Name:

4) Name:

Name:

5) Name:

Name:

DATE SIGNED

27 Feb. 2001

5th MARCH 2001

WITNESSES

Paul Gie

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

Handwritten signature

BEST AVAILABLE COPY

COPY